IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1485 OF 2007

Bajrang Sadashiv Hattagle. ...Applicant.

Versus

The State of Maharashtra ...Respondent.

....

Mr.N.R.Deshpande, Adv. for the Applicant.
Mr.V.B.Konde-Deshmukh, APP, for the State.

....

CORAM : SMT.V.K.TAHILRAMANI,J.

DATED : 4th May, 2007.

P.C.:

1. Heard the learned Advocate for the Applicant and the learned APP for the State.

2. The applicant is seeking bail in C.R.No.58 of 2006 of Salgar Vasti Police Station, Solapur. The said case is under Section 376 of IPC.

3. The prosecutrix - Gangabai has stated that the applicant has committed rape on her. At that time, the prosecutrix started shouting for help. On hearing her shouts for help some ladies who were residing in the vicinity rushed to the spot. Some of them were Laxmibai, Renuka, Amina and Savita. When they found that the room was locked,

they peeped through the window, and they saw the applicant committing rape on the prosecutrix.

4. Mr.Deshpande, submitted that no semen was found on the clothes of the prosecutrix or on the body of the prosecutrix. Finding of semen is not necessary to come to the conclusion that rape has been committed on a woman. Absence of semen does not mean that no sexual intercourse took place.

5. There are four eye witnesses to this incident. The statement of the prosecutrix also implicates the applicant.

6. Looking to all the above facts, I am not inclined to grant bail to the applicant.

7. Application is rejected.

(SMT.V.K.TAHILRAMANI,J.)